Natural Right and History

By

LEO STRAUSS



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FOREWORD

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FOR many years the political philosophy of responsible government has been a neglected field in American political science. Characteristic of this period was the complete rejection of natural law, the standard by which, traditionally, government relations were judged. Law and rights emanated from the states. Under democratic regimes it was held that majority will created law and granted rights. Beyond these, no restrictions of law could bind the sovereign state. In recent years that peculiar twentieth-century phenomenon—the totalitarian regime—revived among political philosophers the study of the traditionalist natural law doctrine, with its insistence upon limited state authority.

This work of Professor Strauss, based upon his Walgreen Foundation lectures, presents a keen analysis of the philosophy of natural right. It is a critique of certain modern political theories and an able presentation of basic principles of the traditionalist point of view.

JEROME KERWIN
Chairman of the Walgreen Foundation

PREFACE

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THIS is an expanded version of six lectures which I delivered at the University of Chicago in October, 1949, under the auspices of the Charles R. Walgreen Foundation. In preparing the lectures for publication I have tried to preserve their original form as much as possible.

I am grateful to the Charles R. Walgreen Foundation and especially to its chairman, Professor Jerome G. Kerwin, for inducing me to present coherently my observations on the problem of natural right. I am also grateful to the Walgreen Foundation for generous clerical assistance.

Some sections of this study have been published previously, either in their present form or in a shorter version. Chapter i was published in the *Review of Politics*, October, 1950; chapter ii in *Measure*, spring, 1951; chapter iii in *Social Research*, March, 1952; chapter v(A) in *Revue internationale de philosophie*, October, 1950; chapter v(B) in the *Philosophical Review*, October, 1952.

I wish to thank the editor of the *Revue internationale de philosophie* for his kind permission to reprint.

L. S.

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There were two men in one city; the one rich, and the other poor. The rich man had exceeding many flocks and herds: But the poor man had nothing, save one little ewe lamb, which he had bought and nourished up: and it grew up together with him, and with his children: it did eat of his own meat, and drank of his own cup, and lay in his bosom, and was unto him as a daughter. And there came a traveller unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the wayfaring man that was come unto him; but took the poor man's lamb, and dressed it for the man that was come to him.

Naboth the Jezreelite had a vineyard which was in Jezreel, hard by the palace of Ahab king of Samaria. And Ahab spake unto Naboth, saying, Give me thy vineyard, that I may have it for a garden of herbs, because it is near unto my house: and I will give thee for it a better vineyard than it; or, if it seem good to thee, I will give thee the worth of it in money. And Naboth said to Ahab, The Lord forbid it to me, that I should give the inheritance of my fathers unto thee.

INTRODUCTION

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IT IS proper for more reasons than the most obvious one that I should open this series of Charles R. Walgreen Lectures by quoting a passage from the Declaration of Independence. The passage has frequently been quoted, but, by its weight and its elevation, it is made immune to the degrading effects of the excessive familiarity which breeds contempt and of misuse which breeds disgust. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." The nation dedicated to this proposition has now become, no doubt partly as a consequence of this dedication, the most powerful and prosperous of the nations of the earth. Does this nation in its maturity still cherish the faith in which it was conceived and raised? Does it still hold those "truths to be self-evident"? About a generation ago, an American diplomat could still say that "the natural and the divine foundation of the rights of man . . . is self-evident to all Americans." At about the same time a German scholar could still describe the difference between German thought and that of Western Europe and the United States by saying that the West still attached decisive importance to natural right, while in Germany the very terms "natural right" and "humanity" "have now become almost incomprehensible . . . and have lost altogether their original life and color." While abandoning the idea of natural right and through abandoning it, he continued, German thought has "created the historical sense," and thus was led eventually

to unqualified relativism.[1] What was a tolerably accurate description of German thought twenty-seven years ago would now appear to be true of Western thought in general. It would not be the first time that a nation, defeated on the battlefield and, as it were, annihilated as a political being, has deprived its conquerors of the most sublime fruit of victory by imposing on them the yoke of its own thought. Whatever might be true of the thought of the American people, certainly American social science has adopted the very attitude toward natural right which, a generation ago, could still be described, with some plausibility, as characteristic of German thought. The majority among the learned who still adhere to the principles of the Declaration of Independence interpret these principles not as expressions of natural right but as an ideal, if not as an ideology or a myth. Present-day American social science, as far as it is not Roman Catholic social science, is dedicated to the proposition that all men are endowed by the evolutionary process or by a mysterious fate with many kinds of urges and aspirations, but certainly with no natural right.

Nevertheless, the need for natural right is as evident today as it has been for centuries and even millennia. To reject natural right is tantamount to saying that all right is positive right, and this means that what is right is determined exclusively by the legislators and the courts of the various countries. Now it is obviously meaningful, and sometimes even necessary, to speak of "unjust" laws or "unjust" decisions. In passing such judgments we imply that there is a standard of right and wrong independent of positive right and higher than positive right: a standard with reference to which we are able to judge of positive right. Many people today hold the view that the standard in question is in the best case nothing but the

1. "Ernst Troeltsch on Natural Law and Humanity," in Otto Gierke, *Natural Law and the Theory of Society*, translated with Introduction by Ernest Barker, I (Cambridge: At the University Press, 1934), 201–22.

ideal adopted by our society or our "civilization" and embodied in its way of life or its institutions. But, according to the same view, all societies have their ideals, cannibal societies no less than civilized ones. If principles are sufficiently justified by the fact that they are accepted by a society, the principles of cannibalism are as defensible or sound as those of civilized life. From this point of view, the former principles can certainly not be rejected as simply bad. And, since the ideal of our society is admittedly changing, nothing except dull and stale habit could prevent us from placidly accepting a change in the direction of cannibalism. If there is no standard higher than the ideal of our society, we are utterly unable to take a critical distance from that ideal. But the mere fact that we can raise the question of the worth of the ideal of our society shows that there is something in man that is not altogether in slavery to his society, and therefore that we are able, and hence obliged, to look for a standard with reference to which we can judge of the ideals of our own as well as of any other society. That standard cannot be found in the needs of the various societies, for the societies and their parts have many needs that conflict with one another: the problem of priorities arises. This problem cannot be solved in a rational manner if we do not have a standard with reference to which we can distinguish between genuine needs and fancied needs and discern the hierarchy of the various types of genuine needs. The problem posed by the conflicting needs of society cannot be solved if we do not possess knowledge of natural right.

It would seem, then, that the rejection of natural right is bound to lead to disastrous consequences. And it is obvious that consequences which are regarded as disastrous by many men and even by some of the most vocal opponents of natural right do follow from the contemporary rejection of natural right. Our social science may make us very wise or clever as

regards the means for any objectives we might choose. It admits being unable to help us in discriminating between legitimate and illegitimate, between just and unjust, objectives. Such a science is instrumental and nothing but instrumental: it is born to be the handmaid of any powers or any interests that be. What Machiavelli did apparently, our social science would actually do if it did not prefer—only God knows why—generous liberalism to consistency: namely, to give advice with equal competence and alacrity to tyrants as well as to free peoples.[2] According to our social science, we can be or become wise in all matters of secondary importance, but we have to be resigned to utter ignorance in the most important respect: we cannot have any knowledge regarding the ultimate principles of our choices, i.e., regarding their soundness or unsoundness; our ultimate principles have no other support than our arbitrary and hence blind preferences. We are then in the position of beings who are sane and sober when engaged in trivial business and who gamble like madmen when confronted with serious issues—retail sanity and wholesale madness. If our principles have no other support than our blind preferences, everything a man is willing to dare will be per-

2. "Vollends sinnlos ist die Behauptung, dass in der Despotie keine Rechtsordnung bestehe, sondern Willkür des Despoten herrsche . . . stellt doch auch der despotisch regierte Staat irgendeine Ordnung menschlichen Verhaltens dar. . . . Diese Ordnung ist eben die Rechtsordnung. Ihr den Charakter des Rechts abzusprechen, ist nur eine naturrechtliche Naivität oder Überhebung. . . . Was als Willkür gedeutet wird, ist nur die rechtliche Möglichkeit des Autokraten, jede Entscheidung an sich zu ziehen, die Tätigkeit der untergeordneten Organe bedingungslos zu bestimmen und einmal gesetzte Normen jederzeit mit allgemeiner oder nur besonderer Geltung aufzuheben oder abzuändern. Ein solcher Zustand ist ein Rechtszustand, auch wenn er als nachteilig empfunden wird. Doch hat er auch seine guten Seiten. Der im modernen Rechtsstaat gar nicht seltene Ruf nach Diktatur zeigt dies ganz deutlich" (Hans Kelsen, *Algemeine Staatslehre* [Berlin, 1925], pp. 335–36). Since Kelsen has not changed his attitude toward natural right, I cannot imagine why he has omitted this instructive passage from the English translation (*General Theory of Law and State* [Cambridge: Harvard University Press, 1949], p. 300).

missible. The contemporary rejection of natural right leads to nihilism—nay, it is identical with nihilism.

In spite of this, generous liberals view the abandonment of natural right not only with placidity but with relief. They appear to believe that our inability to acquire any genuine knowledge of what is intrinsically good or right compels us to be tolerant of every opinion about good or right or to recognize all preferences or all "civilizations" as equally respectable. Only unlimited tolerance is in accordance with reason. But this leads to the admission of a rational or natural right of every preference that is tolerant of other preferences or, negatively expressed, of a rational or natural right to reject or condemn all intolerant or all "absolutist" positions. The latter must be condemned because they are based on a demonstrably false premise, namely, that men can know what is good. At the bottom of the passionate rejection of all "absolutes," we discern the recognition of a natural right or, more precisely, of that particular interpretation of natural right according to which the one thing needful is respect for diversity or individuality. But there is a tension between the respect for diversity or individuality and the recognition of natural right. When liberals became impatient of the absolute limits to diversity or individuality that are imposed even by the most liberal version of natural right, they had to make a choice between natural right and the uninhibited cultivation of individuality. They chose the latter. Once this step was taken, tolerance appeared as one value or ideal among many, and not intrinsically superior to its opposite. In other words, intolerance appeared as a value equal in dignity to tolerance. But it is practically impossible to leave it at the equality of all preferences or choices. If the unequal rank of choices cannot be traced to the unequal rank of their objectives, it must be traced to the unequal rank of the acts of choosing; and this means eventually that genuine choice, as distinguished from spurious or despicable choice, is

nothing but resolute or deadly serious decision. Such a decision, however, is akin to intolerance rather than to tolerance. Liberal relativism has its roots in the natural right tradition of tolerance or in the notion that everyone has a natural right to the pursuit of happiness as he understands happiness; but in itself it is a seminary of intolerance.

Once we realize that the principles of our actions have no other support than our blind choice, we really do not believe in them any more. We cannot wholeheartedly act upon them any more. We cannot live any more as responsible beings. In order to live, we have to silence the easily silenced voice of reason, which tells us that our principles are in themselves as good or as bad as any other principles. The more we cultivate reason, the more we cultivate nihilism: the less are we able to be loyal members of society. The inescapable practical consequence of nihilism is fanatical obscurantism.

The harsh experience of this consequence has led to a renewed general interest in natural right. But this very fact must make us particularly cautious. Indignation is a bad counselor. Our indignation proves at best that we are well meaning. It does not prove that we are right. Our aversion to fanatical obscurantism must not lead us to embrace natural right in a spirit of fanatical obscurantism. Let us beware of the danger of pursuing a Socratic goal with the means, and the temper, of Thrasymachus. Certainly, the seriousness of the need of natural right does not prove that the need can be satisfied. A wish is not a fact. Even by proving that a certain view is indispensable for living well, one proves merely that the view in question is a salutary myth: one does not prove it to be true. Utility and truth are two entirely different things. The fact that reason compels us to go beyond the ideal of our society does not yet guarantee that in taking this step we shall not be confronted with a void or with a multiplicity of incompatible and equally justifiable principles of "natural right." The grav-

ity of the issue imposes upon us the duty of a detached, theoretical, impartial discussion.

The problem of natural right is today a matter of recollection rather than of actual knowledge. We are therefore in need of historical studies in order to familiarize ourselves with the whole complexity of the issue. We have for some time to become students of what is called the "history of ideas." Contrary to a popular notion, this will aggravate rather than remove the difficulty of impartial treatment. To quote Lord Acton: "Few discoveries are more irritating than those which expose the pedigree of ideas. Sharp definitions and unsparing analysis would displace the veil beneath which society dissembles its divisions, would make political disputes too violent for compromise and political alliances too precarious for use, and would embitter politics with all the passions of social and religious strife." We can overcome this danger only by leaving the dimension in which politic restraint is the only protection against the hot and blind zeal of partisanship.

The issue of natural right presents itself today as a matter of party allegiance. Looking around us, we see two hostile camps, heavily fortified and strictly guarded. One is occupied by the liberals of various descriptions, the other by the Catholic and non-Catholic disciples of Thomas Aquinas. But both armies and, in addition, those who prefer to sit on the fences or hide their heads in the sand are, to heap metaphor on metaphor, in the same boat. They all are modern men. We all are in the grip of the same difficulty. Natural right in its classic form is connected with a teleological view of the universe. All natural beings have a natural end, a natural destiny, which determines what kind of operation is good for them. In the case of man, reason is required for discerning these operations: reason determines what is by nature right with ultimate regard to man's natural end. The teleological view of the universe, of which the teleological view of man forms a part, would seem

to have been destroyed by modern natural science. From the point of view of Aristotle—and who could dare to claim to be a better judge in this matter than Aristotle?—the issue between the mechanical and the teleological conception of the universe is decided by the manner in which the problem of the heavens, the heavenly bodies, and their motion is solved.[3] Now in this respect, which from Aristotle's own point of view was the decisive one, the issue seems to have been decided in favor of the nonteleological conception of the universe. Two opposite conclusions could be drawn from this momentous decision. According to one, the nonteleological conception of the universe must be followed up by a nonteleological conception of human life. But this "naturalistic" solution is exposed to grave difficulties: it seems to be impossible to give an adequate account of human ends by conceiving of them merely as posited by desires or impulses. Therefore, the alternative solution has prevailed. This means that people were forced to accept a fundamental, typically modern, dualism of a nonteleological natural science and a teleological science of man. This is the position which the modern followers of Thomas Aquinas, among others, are forced to take, a position which presupposes a break with the comprehensive view of Aristotle as well as that of Thomas Aquinas himself. The fundamental dilemma, in whose grip we are, is caused by the victory of modern natural science. An adequate solution to the problem of natural right cannot be found before this basic problem has been solved.

Needless to say, the present lectures cannot deal with this problem. They will have to be limited to that aspect of the problem of natural right which can be clarified within the confines of the social sciences. Present-day social science rejects natural right on two different, although mostly combined, grounds; it rejects it in the name of History and in the name of the distinction between Facts and Values.

3. *Physics* 196ª25 ff., 199ª3–5.

I

NATURAL RIGHT AND THE HISTORICAL APPROACH

✲

THE attack on natural right in the name of history takes, in most cases, the following form: natural right claims to be a right that is discernible by human reason and is universally acknowledged; but history (including anthropology) teaches us that no such right exists; instead of the supposed uniformity, we find an indefinite variety of notions of right or justice. Or, in other words, there cannot be natural right if there are no immutable principles of justice, but history shows us that all principles of justice are mutable. One cannot understand the meaning of the attack on natural right in the name of history before one has realized the utter irrelevance of this argument. In the first place, "consent of all mankind" is by no means a necessary condition of the existence of natural right. Some of the greatest natural right teachers have argued that, precisely if natural right is rational, its discovery presupposes the cultivation of reason, and therefore natural right will not be known universally: one ought not even to expect any real knowledge of natural right among savages.[1] In other words, by proving that there is no principle of justice that has not been denied somewhere or at some time, one has not yet proved that any given denial was justified or reasonable. Furthermore, it has always been known that different notions of jus-

1. Consider Plato *Republic* 456^{b}12–^{c}2, 452^{a}7–8 and ^{c}6–^{d}1; *Laches* 184^{d}1–185^{a}3; Hobbes, *De cive*, II, 1; Locke, *Two Treatises of Civil Government*, Book II, sec. 12, in conjunction with *An Essay on the Human Understanding*, Book I, chap. iii. Compare Rousseau, *Discours sur l'origine de l'inégalité*, Preface; Montesquieu, *De l'esprit des lois*, I, 1–2; also Marsilius *Defensor pacis* ii. 12. 8.

tice obtain at different times and in different nations. It is absurd to claim that the discovery of a still greater number of such notions by modern students has in any way affected the fundamental issue. Above all, knowlege of the indefinitely large variety of notions of right and wrong is so far from being incompatible with the idea of natural right that it is the essential condition for the emergence of that idea: realization of the variety of notions of right is *the* incentive for the quest for natural right. If the rejection of natural right in the name of history is to have any significance, it must have a basis other than historical evidence. Its basis must be a philosophic critique of the possibility, or of the knowability, of natural right—a critique somehow connected with "history."

The conclusion from the variety of notions of right to the nonexistence of natural right is as old as political philosophy itself. Political philosophy seems to begin with the contention that the variety of notions of right proves the nonexistence of natural right or the conventional character of all right.[2] We shall call this view "conventionalism." To clarify the meaning of the present-day rejection of natural right in the name of history, we must first grasp the specific difference between conventionalism, on the one hand, and "the historical sense" or "the historical consciousness" characteristic of nineteenth- and twentieth-century thought, on the other.[3]

2. Aristotle *Eth. Nic.* 1134^{b}24–27.

3. The legal positivism of the nineteenth and twentieth centuries cannot be simply identified with either conventionalism or historicism. It seems, however, that it derives its strength ultimately from the generally accepted historicist premise (see particularly Karl Bergbohm, *Jurisprudenz und Rechtsphilosophie*, I [Leipzig, 1892], 409 ff.). Bergbohm's strict argument against the possibility of natural right (as distinguished from the argument that is meant merely to show the disastrous consequences of natural right for the positive legal order) is based on "the undeniable truth that nothing eternal and absolute exists except the One Whom man cannot comprehend, but only divine in a spirit of faith" (p. 416 n.), that is, on the assumption that "the standards with reference to which we pass judgment on the historical, positive law . . . are themselves absolutely the progeny of their time and are always historical and relative" (p. 450 n.).

Conventionalism presupposed that the distinction between nature and convention is the most fundamental of all distinctions. It implied that nature is of incomparably higher dignity than convention or the fiat of society, or that nature is the norm. The thesis that right and justice are conventional meant that right and justice have no basis in nature, that they are ultimately against nature, and that they have their ground in arbitrary decisions, explicit or implicit, of communities: they have no basis but some kind of agreement, and agreement may produce peace but it cannot produce truth. The adherents of the modern historical view, on the other hand, reject as mythical the premise that nature is the norm; they reject the premise that nature is of higher dignity than any works of man. On the contrary, either they conceive of man and his works, his varying notions of justice included, as equally natural as all other real things, or else they assert a basic dualism between the realm of nature and the realm of freedom or history. In the latter case they imply that the world of man, of human creativity, is exalted far above nature. Accordingly, they do not conceive of the notions of right and wrong as fundamentally arbitrary. They try to discover their causes; they try to make intelligible their variety and sequence; in tracing them to acts of freedom, they insist on the fundamental difference between freedom and arbitrariness.

What is the significance of the difference between the old and the modern view? Conventionalism is a particular form of classical philosophy. There are obviously profound differences between conventionalism and the position taken by Plato, for example. But the classical opponents agree in regard to the most fundamental point: both admit that the distinction between nature and convention is fundamental. For this distinction is implied in the idea of philosophy. Philosophizing means to ascend from the cave to the light of the sun, that is, to the truth. The cave is the world of opinion as opposed to

knowledge. Opinion is essentially variable. Men cannot live, that is, they cannot live together, if opinions are not stabilized by social fiat. Opinion thus becomes authoritative opinion or public dogma or Weltanschauung. Philosophizing means, then, to ascend from public dogma to essentially private knowledge. The public dogma is originally an inadequate attempt to answer the question of the all-comprehensive truth or of the eternal order.[4] Any inadequate view of the eternal order is, from the point of view of the eternal order, accidental or arbitrary; it owes its validity not to its intrinsic truth but to social fiat or convention. The fundamental premise of conventionalism is, then, nothing other than the idea of philosophy as the attempt to grasp the eternal. The modern opponents of natural right reject precisely this idea. According to them, all human thought is historical and hence unable ever to grasp anything eternal. Whereas, according to the ancients, philosophizing means to leave the cave, according to our contemporaries all philosophizing essentially belongs to a "historical world," "culture," "civilization," "Weltanschauung," that is, to what Plato had called the cave. We shall call this view "historicism."

We have noted before that the contemporary rejection of natural right in the name of history is based, not on historical evidence, but on a philosophic critique of the possibility or knowability of natural right. We note now that the philosophic critique in question is not particularly a critique of natural right or of moral principles in general. It is a critique of human thought as such. Nevertheless, the critique of natural right played an important role in the formation of historicism.

Historicism emerged in the nineteenth century under the protection of the belief that knowledge, or at least divination, of the eternal is possible. But it gradually undermined the belief which had sheltered it in its infancy. It suddenly appeared

4. Plato *Minos* 314^{b}10–315^{b}2.

within our lifetime in its mature form. The genesis of historicism is inadequately understood. In the present state of our knowledge, it is difficult to say at what point in the modern development the decisive break occurred with the "unhistorical" approach that prevailed in all earlier philosophy. For the purpose of a summary orientation it is convenient to start with the moment when the previously subterraneous movement came to the surface and began to dominate the social sciences in broad daylight. That moment was the emergence of the historical school.

The thoughts that guided the historical school were very far from being of a purely theoretical character. The historical school emerged in reaction to the French Revolution and to the natural right doctrines that had prepared that cataclysm. In opposing the violent break with the past, the historical school insisted on the wisdom and on the need of preserving or continuing the traditional order. This could have been done without a critique of natural right as such. Certainly, premodern natural right did not sanction reckless appeal from the established order, or from what was actual here and now, to the natural or rational order. Yet the founders of the historical school seemed to have realized somehow that the acceptance of any universal or abstract principles has necessarily a revolutionary, disturbing, unsettling effect as far as thought is concerned and that this effect is wholly independent of whether the principles in question sanction, generally speaking, a conservative or a revolutionary course of action. For the recognition of universal principles forces man to judge the established order, or what is actual here and now, in the light of the natural or rational order; and what is actual here and now is more likely than not to fall short of the universal and unchangeable norm.[5] The recognition of universal principles thus tends to

5. ". . . [les] imperfections [des États], s'ils en ont, comme la seule diversité, qui est entre eux suffit pour assurer que plusieurs en ont . . ." (Descartes, *Discours de la méthode*, Part II).

prevent men from wholeheartedly identifying themselves with, or accepting, the social order that fate has allotted to them. It tends to alienate them from their place on the earth. It tends to make them strangers, and even strangers on the earth.

By denying the significance, if not the existence, of universal norms, the eminent conservatives who founded the historical school were, in fact, continuing and even sharpening the revolutionary effort of their adversaries. That effort was inspired by a specific notion of the natural. It was directed against both the unnatural or conventional and the supranatural or otherworldly. The revolutionists assumed, we may say, that the natural is always individual and that therefore the uniform is unnatural or conventional. The human individual was to be liberated or to liberate himself so that he could pursue not just his happiness but his own version of happiness. This meant, however, that one universal and uniform goal was set up for all men: the natural right of each individual was a right uniformly belonging to every man as man. But uniformity was said to be unnatural and hence bad. It was evidently impossible to individualize rights in full accordance with the natural diversity of individuals. The only kinds of rights that were neither incompatible with social life nor uniform were "historical" rights: rights of Englishmen, for example, in contradistinction to the rights of man. Local and temporal variety seemed to supply a safe and solid middle ground between antisocial individualism and unnatural universality. The historical school did not discover the local and temporal variety of notions of justice: the obvious does not have to be discovered. The utmost one could say is that it discovered the value, the charm, the inwardness of the local and temporal or that it discovered the superiority of the local and temporal to the universal. It would be more cautious to say that, radicalizing the tendency of men like Rousseau, the historical school asserted

that the local and the temporal have a higher value than the universal. As a consequence, what claimed to be universal appeared eventually as derivative from something locally and temporally confined, as the local and temporal *in statu evanescendi*. The natural law teaching of the Stoics, for example, was likely to appear as a mere reflex of a particular temporal state of a particular local society—of the dissolution of the Greek city.

The effort of the revolutionists was directed against all otherworldliness[6] or transcendence. Transcendence is not a preserve of revealed religion. In a very important sense it was implied in the original meaning of political philosophy as the quest for the natural or best political order. The best regime, as Plato and Aristotle understood it, is, and is meant to be, for the most part, different from what is actual here and now or beyond all actual orders. This view of the transcendence of the best political order was profoundly modified by the way in which "progress" was understood in the eighteenth century, but it was still preserved in that eighteenth-century notion. Otherwise, the theorists of the French Revolution could not have condemned all or almost all social orders which had ever been in existence. By denying the significance, if not the existence, of universal norms, the historical school destroyed the only solid basis of all efforts to transcend the actual. Historicism can therefore be described as a much more extreme form of modern this-worldliness than the French radicalism of the eighteenth century had been. It certainly acted as if it intended to make men absolutely at home in "this world."

6. As regards the tension between the concern with the history of the human race and the concern with life after death, see Kant's "Idea for a universal history with cosmopolitan intent," proposition 9 (*The Philosophy of Kant*, ed. C. J. Friedrich ["Modern Library"], p. 130). Consider also the thesis of Herder, whose influence on the historical thought of the nineteenth century is well known, that "the five acts are in this life" (see M. Mendelssohn, *Gesammelte Schriften, Jubiläums-Ausgabe*, III, 1, pp. xxx–xxxii.)

Since any universal principles make at least most men potentially homeless, it depreciated universal principles in favor of historical principles. It believed that, by understanding their past, their heritage, their historical situation, men could arrive at principles that would be as objective as those of the older, prehistoricist political philosophy had claimed to be and, in addition, would not be abstract or universal and hence harmful to wise action or to a truly human life, but concrete or particular—principles fitting the particular age or particular nation, principles relative to the particular age or particular nation.

In trying to discover standards which, while being objective, were relative to particular historical situations, the historical school assigned to historical studies a much greater importance than they had ever possessed. Its notion of what one could expect from historical studies was, however, not the outcome of historical studies but of assumptions that stemmed directly or indirectly from the natural right doctrine of the eighteenth century. The historical school assumed the existence of folk minds, that is, it assumed that nations or ethnic groups are natural units, or it assumed the existence of general laws of historical evolution, or it combined both assumptions. It soon appeared that there was a conflict between the assumptions that had given the decisive impetus to historical studies and the results, as well as the requirements, of genuine historical understanding. In the moment these assumptions were abandoned, the infancy of historicism came to its end.

Historicism now appeared as a particular form of positivism, that is, of the school which held that theology and metaphysics had been superseded once and for all by positive science or which identified genuine knowledge of reality with the knowledge supplied by the empirical sciences. Positivism proper had defined "empirical" in terms of the procedures of the natural sciences. But there was a glaring contrast between

the manner in which historical subjects were treated by positivism proper and the manner in which they were treated by the historians who really proceeded empirically. Precisely in the interests of empirical knowledge it became necessary to insist that the methods of natural science be not considered authoritative for historical studies. In addition, what "scientific" psychology and sociology had to say about man proved to be trivial and poor if compared with what could be learned from the great historians. Thus history was thought to supply the only empirical, and hence the only solid, knowledge of what is truly human, of man as man: of his greatness and misery. Since all human pursuits start from and return to man, the empirical study of humanity could seem to be justified in claiming a higher dignity than all other studies of reality. History—history divorced from all dubious or metaphysical assumptions—became the highest authority.

But history proved utterly unable to keep the promise that had been held out by the historical school. The historical school had succeeded in discrediting universal or abstract principles; it had thought that historical studies would reveal particular or concrete standards. Yet the unbiased historian had to confess his inability to derive any norms from history: no objective norms remained. The historical school had obscured the fact that particular or historical standards can become authoritative only on the basis of a universal principle which imposes an obligation on the individual to accept, or to bow to, the standards suggested by the tradition or the situation which has molded him. Yet no universal principle will ever sanction the acceptance of every historical standard or of every victorious cause: to conform with tradition or to jump on "the wave of the future" is not obviously better, and it is certainly not always better than to burn what one has worshiped or to resist the "trend of history." Thus all standards suggested by history as such proved to be fundamentally ambiguous and

therefore unfit to be considered standards. To the unbiased historian, "the historical process" revealed itself as the meaningless web spun by what men did, produced, and thought, no more than by unmitigated chance—a tale told by an idiot. The historical standards, the standards thrown up by this meaningless process, could no longer claim to be hallowed by sacred powers behind that process. The only standards that remained were of a purely subjective character, standards that had no other support than the free choice of the individual. No objective criterion henceforth allowed the distinction between good and bad choices. Historicism culminated in nihilism. The attempt to make man absolutely at home in this world ended in man's becoming absolutely homeless.

The view that "the historical process" is a meaningless web or that there is no such thing as the "historical process" was not novel. It was fundamentally the classical view. In spite of considerable opposition from different quarters, it was still powerful in the eighteenth century. The nihilistic consequence of historicism could have suggested a return to the older, prehistoricist view. But the manifest failure of the practical claim of historicism, that it could supply life with a better, a more solid, guidance than the prehistoricist thought of the past had done, did not destroy the prestige of the alleged theoretical insight due to historicism. The mood created by historicism and its practical failure was interpreted as the unheard-of experience of the true situation of man as man—of a situation which earlier man had concealed from himself by believing in universal and unchangeable principles. In opposition to the earlier view, the historicists continued to ascribe decisive importance to that view of man that arises out of historical studies, which as such are particularly and primarily concerned not with the permanent and universal but with the variable and unique. History as history seems to present to us the depressing spectacle of a disgraceful variety of thoughts and beliefs and, above

all, of the passing-away of every thought and belief ever held by men. It seems to show that all human thought is dependent on unique historical contexts that are preceded by more or less different contexts and that emerge out of their antecedents in a fundamentally unpredictable way: the foundations of human thought are laid by unpredictable experiences or decisions. Since all human thought belongs to specific historical situations, all human thought is bound to perish with the situation to which it belongs and to be superseded by new, unpredictable thoughts.

The historicist contention presents itself today as amply supported by historical evidence, or even as expressing an obvious fact. But if the fact is so obvious, it is hard to see how it could have escaped the notice of the most thoughtful men of the past. As regards the historical evidence, it is clearly insufficient to support the historicist contention. History teaches us that a given view has been abandoned in favor of another view by all men, or by all competent men, or perhaps only by the most vocal men; it does not teach us whether the change was sound or whether the rejected view deserved to be rejected. Only an impartial analysis of the view in question—an analysis that is not dazzled by the victory or stunned by the defeat of the adherents of the view concerned—could teach us anything regarding the worth of the view and hence regarding the meaning of the historical change. If the historicist contention is to have any solidity, it must be based not on history but on philosophy: on a philosophic analysis proving that all human thought depends ultimately on fickle and dark fate and not on evident principles accessible to man as man. The basic stratum of that philosophic analysis is a "critique of reason" that allegedly proves the impossibility of theoretical metaphysics and of philosophic ethics or natural right. Once all metaphysical and ethical views can be assumed to be, strictly speaking, untenable, that is, untenable as regards their claim

to be simply true, their historical fate necessarily appears to be deserved. It then becomes a plausible, although not very important, task to trace the prevalence, at different times, of different metaphysical and ethical views, to the times at which they prevailed. But this leaves still intact the authority of the positive sciences. The second stratum of the philosophical analysis underlying historicism is the proof that the positive sciences rest on metaphysical foundations.

Taken by itself, this philosophic critique of philosophic and scientific thought—a continuation of the efforts of Hume and of Kant—would lead to skepticism. But skepticism and historicism are two entirely different things. Skepticism regards itself as, in principle, coeval with human thought; historicism regards itself as belonging to a specific historical situation. For the skeptic, all assertions are uncertain and therefore essentially arbitrary; for the historicist, the assertions that prevail at different times and in different civilizations are very far from being arbitrary. Historicism stems from a nonskeptical tradition—from that modern tradition which tried to define the limits of human knowledge and which therefore admitted that, within certain limits, genuine knowledge is possible. In contradistinction to all skepticism, historicism rests at least partly on such a critique of human thought as claims to articulate what is called "the experience of history."

No competent man of our age would regard as simply true the complete teaching of any thinker of the past. In every case experience has shown that the originator of the teaching took things for granted which must not be taken for granted or that he did not know certain facts or possibilities which were discovered in a later age. Up to now, all thought has proved to be in need of radical revisions or to be incomplete or limited in decisive respects. Furthermore, looking back at the past, we seem to observe that every progress of thought in one direction was bought at the price of a retrogression of thought in an-

other respect: when a given limitation was overcome by a progress of thought, earlier important insights were invariably forgotten as a consequence of that progress. On the whole, there was then no progress, but merely a change from one type of limitation to another type. Finally, we seem to observe that the most important limitations of earlier thought were of such a nature that they could not possibly have been overcome by any effort of the earlier thinkers; to say nothing of other considerations, any effort of thought which led to the overcoming of specific limitations led to blindness in other respects. It is reasonable to assume that what has invariably happened up to now will happen again and again in the future. Human thought is essentially limited in such a way that its limitations differ from historical situation to historical situation and that the limitation characteristic of the thought of a given epoch cannot be overcome by any human effort. There always have been and there always will be surprising, wholly unexpected, changes of outlook which radically modify the meaning of all previously acquired knowledge. No view of the whole, and in particular no view of the whole of human life, can claim to be final or universally valid. Every doctrine, however seemingly final, will be superseded sooner or later by another doctrine. There is no reason to doubt that earlier thinkers had insights which are wholly inaccessible to us and which cannot become accessible to us, however carefully we might study their works, because our limitations prevent us from even suspecting the possibility of the insights in question. Since the limitations of human thought are essentially unknowable, it makes no sense to conceive of them in terms of social, economic, and other conditions, that is, in terms of knowable or analyzable phenomena: the limitations of human thought are set by fate.

The historicist argument has a certain plausibility which can easily be accounted for by the preponderance of dogmatism

in the past. We are not permitted to forget Voltaire's complaint: "nous avons des bacheliers qui savent tout ce que ces grands hommes ignoraient."[7] Apart from this, many thinkers of the first rank have propounded all-comprehensive doctrines which they regarded as final in all important respects—doctrines which invariably have proved to be in need of radical revision. We ought therefore to welcome historicism as an ally in our fight against dogmatism. But dogmatism—or the inclination "to identify the goal of our thinking with the point at which we have become tired of thinking"[8]—is so natural to man that it is not likely to be a preserve of the past. We are forced to suspect that historicism is the guise in which dogmatism likes to appear in our age. It seems to us that what is called the "experience of history" is a bird's-eye view of the history of thought, as that history came to be seen under the combined influence of the belief in necessary progress (or in the impossibility of returning to the thought of the past) and of the belief in the supreme value of diversity or uniqueness (or of the equal right of all epochs or civilizations). Radical historicism does not seem to be in need of those beliefs any more. But it has never examined whether the "experience" to which it refers is not an outcome of those questionable beliefs.

When speaking of the "experience" of history, people imply that this "experience" is a comprehensive insight which arises out of historical knowledge but which cannot be reduced to historical knowledge. For historical knowledge is always extremely fragmentary and frequently very uncertain, whereas the alleged experience is supposedly global and certain. Yet it can hardly be doubted that the alleged experience ultimately rests on a number of historical observations. The question, then, is whether these observations entitle one to assert that the acquisition of new important insights necessarily leads to

7. "Âme," *Dictionnaire philosophique*, ed. J. Benda, I, 19.

8. See Lessing's letter to Mendelssohn of January 9, 1771.

the forgetting of earlier important insights and that the earlier thinkers could not possibly have thought of fundamental possibilities which came to the center of attention in later ages. It is obviously untrue to say, for instance, that Aristotle could not have conceived of the injustice of slavery, for he did conceive of it. One may say, however, that he could not have conceived of a world state. But why? The world state presupposes such a development of technology as Aristotle could never have dreamed of. That technological development, in its turn, required that science be regarded as essentially in the service of the "conquest of nature" and that technology be emancipated from any moral and political supervision. Aristotle did not conceive of a world state because he was absolutely certain that science is essentially theoretical and that the liberation of technology from moral and political control would lead to disastrous consequences: the fusion of science and the arts together with the unlimited or uncontrolled progress of technology has made universal and perpetual tyranny a serious possibility. Only a rash man would say that Aristotle's view—that is, his answers to the questions of whether or not science is essentially theoretical and whether or not technological progress is in need of strict moral or political control—has been refuted. But whatever one might think of his answers, certainly the fundamental questions to which they are the answers are identical with the fundamental questions that are of immediate concern to us today. Realizing this, we realize at the same time that the epoch which regarded Aristotle's fundamental questions as obsolete completely lacked clarity about what the fundamental issues are.

Far from legitimizing the historicist inference, history seems rather to prove that all human thought, and certainly all philosophic thought, is concerned with the same fundamental themes or the same fundamental problems, and therefore that there exists an unchanging framework which persists in all

changes of human knowledge of both facts and principles. This inference is obviously compatible with the fact that clarity about these problems, the approach to them, and the suggested solutions to them differ more or less from thinker to thinker or from age to age. If the fundamental problems persist in all historical change, human thought is capable of transcending its historical limitation or of grasping something trans-historical. This would be the case even if it were true that all attempts to solve these problems are doomed to fail and that they are doomed to fail on account of the "historicity" of "all" human thought.

To leave it at this would amount to regarding the cause of natural right as hopeless. There cannot be natural right if all that man could know about right were the problem of right, or if the question of the principles of justice would admit of a variety of mutually exclusive answers, none of which could be proved to be superior to the others. There cannot be natural right if human thought, in spite of its essential incompleteness, is not capable of solving the problem of the principles of justice in a genuine and hence universally valid manner. More generally expressed, there cannot be natural right if human thought is not capable of acquiring genuine, universally valid, final knowledge within a limited sphere or genuine knowledge of specific subjects. Historicism cannot deny this possibility. For its own contention implies the admission of this possibility. By asserting that all human thought, or at least all relevant human thought, is historical, historicism admits that human thought is capable of acquiring a most important insight that is universally valid and that will in no way be affected by any future surprises. The historicist thesis is not an isolated assertion: it is inseparable from a view of the essential structure of human life. This view has the same trans-historical character or pretension as any natural right doctrine.

The historicist thesis is then exposed to a very obvious diffi-

culty which cannot be solved but only evaded or obscured by considerations of a more subtle character. Historicism asserts that all human thoughts or beliefs are historical, and hence deservedly destined to perish; but historicism itself is a human thought; hence historicism can be of only temporary validity, or it cannot be simply true. To assert the historicist thesis means to doubt it and thus to transcend it. As a matter of fact, historicism claims to have brought to light a truth which has come to stay, a truth valid for all thought, for all time: however much thought has changed and will change, it will always remain historical. As regards the decisive insight into the essential character of all human thought and therewith into the essential character or limitation of humanity, history has reached its end. The historicist is not impressed by the prospect that historicism may be superseded in due time by the denial of historicism. He is certain that such a change would amount to a relapse of human thought into its most powerful delusion. Historicism thrives on the fact that it inconsistently exempts itself from its own verdict about all human thought. The historicist thesis is self-contradictory or absurd. We cannot see the historical character of "all" thought—that is, of all thought with the exception of the historicist insight and its implications—without transcending history, without grasping something trans-historical.

If we call all thought that is radically historical a "comprehensive world view" or a part of such a view, we must say: historicism is not itself a comprehensive world view but an analysis of all comprehensive world views, an exposition of the essential character of all such views. Thought that recognizes the relativity of all comprehensive views has a different character from thought which is under the spell of, or which adopts, a comprehensive view. The former is absolute and neutral; the latter is relative and committed. The former is a theoretical insight that transcends history; the latter is the outcome of a fateful dispensation.

The radical historicist refuses to admit the trans-historical character of the historicist thesis. At the same time he recognizes the absurdity of unqualified historicism as a theoretical thesis. He denies, therefore, the possibility of a theoretical or objective analysis, which as such would be trans-historical, of the various comprehensive views or "historical worlds" or "cultures." This denial was decisively prepared by Nietzsche's attack on nineteenth-century historicism, which claimed to be a theoretical view. According to Nietzsche, the theoretical analysis of human life that realizes the relativity of all comprehensive views and thus depreciates them would make human life itself impossible, for it would destroy the protecting atmosphere within which life or culture or action is alone possible. Moreover, since the theoretical analysis has its basis outside of life, it will never be able to understand life. The theoretical analysis of life is noncommittal and fatal to commitment, but life means commitment. To avert the danger to life, Nietzsche could choose one of two ways: he could insist on the strictly esoteric character of the theoretical analysis of life—that is, restore the Platonic notion of the noble delusion—or else he could deny the possibility of theory proper and so conceive of thought as essentially subservient to, or dependent on, life or fate. If not Nietzsche himself, at any rate his successors adopted the second alternative.[9]

The thesis of radical historicism can be stated as follows. All understanding, all knowledge, however limited and "scientific," presupposes a frame of reference; it presupposes a horizon, a comprehensive view within which understanding and knowing take place. Only such a comprehensive vision

9. For the understanding of this choice, one has to consider its connection with Nietzsche's sympathy with "Callicles," on the one hand, and his preferring the "tragic life" to the theoretical life, on the other (see Plato *Gorgias* 481^{d} and 502^{b} ff., and *Laws* 658^{d}2–5; compare Nietzsche's *Vom Nutzen und Nachteil der Historie für das Leben* [Insel-Bücherei ed.], p. 73). This passage reveals clearly the fact that Nietzsche adopted what one may consider the fundamental premise of the historical school.

makes possible any seeing, any observation, any orientation. The comprehensive view of the whole cannot be validated by reasoning, since it is the basis of all reasoning. Accordingly, there is a variety of such comprehensive views, each as legitimate as any other: we have to choose such a view without any rational guidance. It is absolutely necessary to choose one; neutrality or suspension of judgment is impossible. Our choice has no support but itself; it is not supported by any objective or theoretical certainty; it is separated from nothingness, the complete absence of meaning, by nothing but our choice of it. Strictly speaking, we cannot choose among different views. A single comprehensive view is imposed on us by fate: the horizon within which all our understanding and orientation take place is produced by the fate of the individual or of his society. All human thought depends on fate, on something that thought cannot master and whose workings it cannot anticipate. Yet the support of the horizon produced by fate is ultimately the choice of the individual, since that fate has to be accepted by the individual. We are free in the sense that we are free either to choose in anguish the world view and the standards imposed on us by fate or else to lose ourselves in illusory security or in despair.

The radical historicist asserts, then, that only to thought that is itself committed or "historical" does other committed or "historical" thought disclose itself, and, above all, that only to thought that is itself committed or "historical" does the true meaning of the "historicity" of all genuine thought disclose itself. The historicist thesis expresses a fundamental experience which, by its nature, is incapable of adequate expression on the level of noncommitted or detached thought. The evidence of that experience may indeed be blurred, but it cannot be destroyed by the inevitable logical difficulties from which all expressions of such experiences suffer. With a view to his fundamental experience, the radical historicist denies

that the final and, in this sense, trans-historical character of the historicist thesis makes doubtful the content of that thesis. The final and irrevocable insight into the historical character of all thought would transcend history only if that insight were accessible to man as man and hence, in principle, at all times; but it does not transcend history if it essentially belongs to a specific historic situation. It belongs to a specific historic situation: that situation is not merely the condition of the historicist insight but its source.[10]

All natural right doctrines claim that the fundamentals of justice are, in principle, accessible to man as man. They presuppose, therefore, that a most important truth can, in principle, be accessible to man as man. Denying this presupposition, radical historicism asserts that the basic insight into the essential limitation of all human thought is not accessible to man as man, or that it is not the result of the progress or the labor of human thought, but that it is an unforeseeable gift of unfathomable fate. It is due to fate that the essential dependence of thought on fate is realized now, and was not realized in earlier times. Historicism has this in common with all other thought, that it depends on fate. It differs from all other thought in this, that, thanks to fate, it has been given to realize the radical dependence of thought on fate. We are absolutely ignorant of the surprises which fate may have in store for later generations, and fate may in the future again conceal what it has revealed to us; but this does not impair the truth of that revelation. One does not have to transcend history in order to see the historical character of all thought: there is a privileged moment, an absolute moment in the historical process, a moment in which the essential character of all thought becomes transparent. In exempting itself from its own verdict,

10. The distinction between "condition" and "source" corresponds to the difference between Aristotle's "history" of philosophy in the first book of the *Metaphysics* and historicist history.

historicism claims merely to mirror the character of historical reality or to be true to the facts; the self-contradictory character of the historicist thesis should be charged not to historicism but to reality.

The assumption of an absolute moment in history is essential to historicism. In this, historicism surreptitiously follows the precedent set in a classic manner by Hegel. Hegel had taught that every philosophy is the conceptual expression of the spirit of its time, and yet he maintained the absolute truth of his own system of philosophy by ascribing absolute character to his own time; he assumed that his own time was the end of history and hence the absolute moment. Historicism explicitly denies that the end of history has come, but it implicitly asserts the opposite: no possible future change of orientation can legitimately make doubtful the decisive insight into the inescapable dependence of thought on fate, and therewith into the essential character of human life; in the decisive respect the end of history, that is, of the history of thought, has come. But one cannot simply assume that one lives or thinks in the absolute moment; one must show, somehow, how the absolute moment can be recognized as such. According to Hegel, the absolute moment is the one in which philosophy, or quest for wisdom, has been transformed into wisdom, that is, the moment in which the fundamental riddles have been fully solved. Historicism, however, stands or falls by the denial of the possibility of theoretical metaphysics and of philosophic ethics or natural right; it stands or falls by the denial of the solubility of the fundamental riddles. According to historicism, therefore, the absolute moment must be the moment in which the insoluble character of the fundamental riddles has become fully manifest or in which the fundamental delusion of the human mind has been dispelled.

But one might realize the insoluble character of the fundamental riddles and still continue to see in the understanding of

these riddles the task of philosophy; one would thus merely replace a nonhistoricist and dogmatic philosophy by a nonhistoricist and skeptical philosophy. Historicism goes beyond skepticism. It assumes that philosophy, in the full and original sense of the term, namely, the attempt to replace opinions about the whole by knowledge of the whole, is not only incapable of reaching its goal but absurd, because the very idea of philosophy rests on dogmatic, that is, arbitrary, premises or, more specifically, on premises that are only "historical and relative." For clearly, if philosophy, or the attempt to replace opinions by knowledge, itself rests on mere opinions, philosophy is absurd.

The most influential attempts to establish the dogmatic and hence arbitrary or historically relative character of philosophy proper proceed along the following lines. Philosophy or the attempt to replace opinions about the whole by knowledge of the whole, presupposes that the whole is knowable, that is, intelligible. This presupposition leads to the consequence that the whole as it is in itself is identified with the whole in so far as it is intelligible or in so far as it can become an object; it leads to the identification of "being" with "intelligible" or "object"; it leads to the dogmatic disregard of everything that cannot become an object, that is, an object for the knowing subject, or the dogmatic disregard of everything that cannot be mastered by the subject. Furthermore, to say that the whole is knowable or intelligible is tantamount to saying that the whole has a permanent structure or that the whole as such is unchangeable or always the same. If this is the case, it is, in principle, possible to predict how the whole will be at any future time: the future of the whole can be anticipated by thought. The presupposition mentioned is said to have its root in the dogmatic identification of "to be" in the highest sense with "to be always," or in the fact that philosophy understands "to be" in such a sense that "to be" in the highest sense

must mean "to be always." The dogmatic character of the basic premise of philosophy is said to have been revealed by the discovery of history or of the "historicity" of human life. The meaning of that discovery can be expressed in theses like these: what is called the whole is actually always incomplete and therefore not truly a whole; the whole is essentially changing in such a manner that its future cannot be predicted; the whole as it is in itself can never be grasped, or it is not intelligible; human thought essentially depends on something that cannot be anticipated or that can never be an object or that can never be mastered by the subject; "to be" in the highest sense cannot mean—or, at any rate, it does not necessarily mean—"to be always."

We cannot even attempt to discuss these theses. We must leave them with the following observation. Radical historicism compels us to realize the bearing of the fact that the very idea of natural right presupposes the possibility of philosophy in the full and original meaning of the term. It compels us at the same time to realize the need for unbiased reconsideration of the most elementary premises whose validity is presupposed by philosophy. The question of the validity of these premises cannot be disposed of by adopting or clinging to a more or less persistent tradition of philosophy, for it is of the essence of traditions that they cover or conceal their humble foundations by erecting impressive edifices on them. Nothing ought to be said or done which could create the impression that unbiased reconsideration of the most elementary premises of philosophy is a merely academic or historical affair. Prior to such reconsideration, however, the issue of natural right can only remain an open question.

For we cannot assume that the issue has been finally settled by historicism. The "experience of history" and the less ambiguous experience of the complexity of human affairs may blur, but they cannot extinguish, the evidence of those simple

experiences regarding right and wrong which are at the bottom of the philosophic contention that there is a natural right. Historicism either ignores or else distorts these experiences. Furthermore, the most thoroughgoing attempt to establish historicism culminated in the assertion that if and when there are no human beings, there may be *entia*, but there cannot be *esse*, that is, that there can be *entia* while there is no *esse*. There is an obvious connection between this assertion and the rejection of the view that "to be" in the highest sense means "to be always." Besides, there has always been a glaring contrast between the way in which historicism understands the thought of the past and genuine understanding of the thought of the past; the undeniable possibility of historical objectivity is explicitly or implicitly denied by historicism in all its forms. Above all, in the transition from early (theoretical) to radical ("existentialist") historicism, the "experience of history" was never submitted to critical analysis. It was taken for granted that it is a genuine experience and not a questionable interpretation of experience. The question was not raised whether what is really experienced does not allow of an entirely different and possibly more adequate interpretation. In particular, the "experience of history" does not make doubtful the view that the fundamental problems, such as the problems of justice, persist or retain their identity in all historical change, however much they may be obscured by the temporary denial of their relevance and however variable or provisional all human solutions to these problems may be. In grasping these problems as problems, the human mind liberates itself from its historical limitations. No more is needed to legitimize philosophy in its original, Socratic sense: philosophy is knowledge that one does not know; that is to say, it is knowledge of what one does not know, or awareness of the fundamental problems and, therewith, of the fundamental alternatives regarding their solution that are coeval with human thought.

If the existence and even the possibility of natural right must remain an open question as long as the issue between historicism and nonhistoricist philosophy is not settled, our most urgent need is to understand that issue. The issue is not understood if it is seen merely in the way in which it presents itself from the point of view of historicism; it must also be seen in the way in which it presents itself from the point of view of nonhistoricist philosophy. This means, for all practical purposes, that the problem of historicism must first be considered from the point of view of classical philosophy, which is nonhistoricist thought in its pure form. Our most urgent need can then be satisfied only by means of historical studies which would enable us to understand classical philosophy exactly as it understood itself, and not in the way in which it presents itself on the basis of historicism. We need, in the first place, a nonhistoricist understanding of nonhistoricist philosophy. But we need no less urgently a nonhistoricist understanding of historicism, that is, an understanding of the genesis of historicism that does not take for granted the soundness of historicism.

Historicism assumes that modern man's turn toward history implied the divination and eventually the discovery of a dimension of reality that had escaped classical thought, namely, of the historical dimension. If this is granted, one will be forced in the end into extreme historicism. But if historicism cannot be taken for granted, the question becomes inevitable whether what was hailed in the nineteenth century as a discovery was not, in fact, an invention, that is, an arbitrary interpretation of phenomena which had always been known and which had been interpreted much more adequately prior to the emergence of "the historical consciousness" than afterward. We have to raise the question whether what is called the "discovery" of history is not, in fact, an artificial and makeshift solution to a problem that could arise only on the basis of very questionable premises.

I suggest this line of approach. "History" meant throughout the ages primarily political history. Accordingly, what is called the "discovery" of history is the work, not of philosophy in general, but of political philosophy. It was a predicament peculiar to eighteenth-century political philosophy that led to the emergence of the historical school. The political philosophy of the eighteenth century was a doctrine of natural right. It consisted in a peculiar interpretation of natural right, namely, the specifically modern interpretation. Historicism is the ultimate outcome of the crisis of modern natural right. The crisis of modern natural right or of modern political philosophy could become a crisis of philosophy as such only because in the modern centuries philosophy as such had become thoroughly politicized. Originally, philosophy had been the humanizing quest for the eternal order, and hence it had been a pure source of humane inspiration and aspiration. Since the seventeenth century, philosophy has become a weapon, and hence an instrument. It was this politicization of philosophy that was discerned as the root of our troubles by an intellectual who denounced the treason of the intellectuals. He committed the fatal mistake, however, of ignoring the essential difference between intellectuals and philosophers. In this he remained the dupe of the delusion which he denounced. For the politicization of philosophy consists precisely in this, that the difference between intellectuals and philosophers—a difference formerly known as the difference between gentlemen and philosophers, on the one hand, and the difference between sophists or rhetoricians and philosophers, on the other—becomes blurred and finally disappears.